



# DAVE MAXEY

STATE REPRESENTATIVE • 15<sup>TH</sup> ASSEMBLY DISTRICT

*Testimony before the Assembly Committee on Campaigns and Elections*

*Representative Dave Maxey*

*November 2, 2023*

Chairman Krug and Members of the Assembly Committee on Campaigns and Elections,

I appreciate your consideration of Assembly Bill 570. This bill is designed to provide protection for the votes of individuals in assisted living and nursing facilities while also establishing a statutory definition of a witness address. Furthermore, it emphasizes that only the voter or witness should have the authority to make corrections to absentee ballot certificates.

The 2020 Election raised concerns among our voters. Assisted living and nursing facilities turned away special voting deputies due to COVID-19, confusion surrounding the absentee ballot process, and concerns about clerks making corrections to ballots.

In the aftermath of the 2020 Election, the nonpartisan Legislative Audit Bureau (LAB) and the Wisconsin Institute for Law and Liberty (WILL) conducted comprehensive audits of the 2020 Election that identified critical issues. Assembly Bill 570 considered the LAB's items for legislative consideration to address key issues, while using recommendations from the WILL.

One of the most pressing issues that AB 570 addresses is the access to residential care facilities and retirement homes by special voting deputies during public health emergencies and infectious disease outbreaks. This bill allows municipal clerks to appoint personal care voting assistants from within these facilities. These personal care voting assistants would undergo rigorous training prescribed by the Elections Commission and would be obligated to take the same oath of office as special voting deputies.

AB 570 also ensures that the residents of these facilities, who often have limited options for casting their votes, can do so with greater ease and dignity. It mandates that residential care facilities and retirement homes cannot deny entry to special voting deputies. Ensuring that votes in these facilities are protected.

This bill finally provides clarity to what defines a witness address, it requires that absentee ballots must include specific information on the voters and witness's printed names, addresses, and signatures.



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Another significant aspect of the bill is its focus on absentee ballot certificate corrections. In 2020, the use of absentee ballots nearly doubled revealing the need to clarify who can make corrections. Under AB 570, only the voter can make corrections to their ballot certificate. The bill also requires that the clerk post a notification of the defect on MyVote Wisconsin, along with allowing the clerk to contact the voter by other means. This bill aims to prevent any unauthorized changes to absentee ballot certificates. Violating this provision would result in penalties, emphasizing the importance of maintaining the integrity of our elections.

Furthermore, the bill addresses election fraud by holding election officials accountable. It prohibits election officials from intentionally assisting or causing the casting or counting of invalid votes or rejecting valid ones. Failure to promptly report election fraud would be punishable as a Class I felony.

Thank you for hearing my testimony, I hope you all can join me in supporting Assembly Bill 570, as it provides clarity to Wisconsin Statutes and aims to restore trust in our elections. I look forward to your support and the Governor's swift enactment of this bill.

# Uniform Instructions for Wisconsin Absentee Voters

Confirm the envelope from your clerk contains your ballot and the envelope you'll use to return your ballot.

- 1 Read and follow the instructions on your ballot. Mistakes may prevent your votes from being counted.
- 2 You must vote your ballot in the presence of an adult witness:



- Start by showing the witness your unmarked ballot.
- Mark your ballot in the presence of your witness.
- Your witness must confirm that you are the one completing your ballot but, because voting is a private activity, your witness cannot tell you who or what to vote for and cannot see the choices you make on your ballot.

## Who can be a witness?

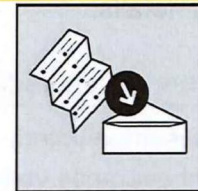
- A witness must be a U.S. Citizen who is at least 18 years old.
- For military or overseas voters, your witness must be at least 18 years old but is not required to be a U.S. Citizen.
- A witness can be a friend, spouse, family member, neighbor, etc.

## Who cannot be a witness?

- A candidate on the ballot for this election.

If you're having trouble finding a witness or have questions about the witness requirement, please contact your municipal clerk or the Wisconsin Elections Commission for assistance. Contact information can be found on the back of this page.

- 3 Refold your voted ballot and place it inside of the return envelope.



- 4 Seal the envelope in the presence of your witness.

- 5 Fill out the required sections of the form on the absentee return envelope.

To make sure your ballot is counted, double check the following before you return it:



- **Your voter information:** this section is usually completed by your clerk and includes the date of the election, the county and municipality in which you are registered, your name, the address where you are registered, city, and zip code.
- **Voter Signature:** you (or your assistant) must sign in the Certification of Voter section.
- **Witness Signature and Address:** your witness must sign and provide their **full address** (street number, street name, city) in the Certification of Witness section.
- Make sure your ballot is in your envelope and make sure the envelope is sealed properly.

If any of the required information above is missing, your ballot **will not be counted**.

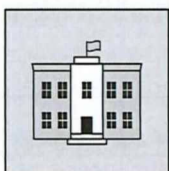
- 6 Return your ballot.



- Your ballot must be received in time to be delivered to your polling place **no later than 8:00 p.m. on Election Day**. There are a few options for returning your ballot.

You can:

- Mail it back
- Drop it off at your municipal clerk's office
- Drop it off at your polling place or central count location



- The United States Postal Service recommends mailing your ballot at least one week before Election Day. Returning a ballot from overseas may take longer.
- **Absentee ballots may not be returned by email or fax.**

## Getting Assistance

If you need help reading or filling out your ballot or absentee return envelope, you may ask for assistance from anyone who is not your employer or a representative of your labor union. Your assistant may also serve as your witness. Explaining how to fill out your ballot or return envelope is not “assistance.”

### With your ballot

- Your assistant must sign in the Certification of Voter Assistance section.
- Your assistant can read your ballot to you or fill out your ballot under your direction, but cannot tell you how to vote.

### With your absentee return envelope

- If someone signs your absentee return envelope on your behalf, make sure they also sign in the Certification of Assistant section.
- Your assistant may also serve as your witness.

## Correcting Ballot Mistakes

- If you make a mistake while marking your ballot or otherwise require a replacement ballot, contact your municipal clerk. Your municipal clerk’s contact information is listed below.
- If there is not enough time to request a replacement ballot and you have not returned your ballot, you may still vote in-person at the polls on Election Day.
- Different types of voters have different deadlines for requesting a replacement ballot. Please see below for additional details.

### 5:00 p.m. on the Thursday before the election

- Regular absentee voters
- Permanent overseas voters
- Temporary overseas voters

### 5:00 p.m. on the Friday before the election

- Military voters\*
- Indefinitely confined voters

\*If the ballot contains federal offices, military voters away from home may request replacement ballots until 5:00 p.m. on Election Day

## Voter Photo Identification Information

- If you have received your ballot, then a copy of your photo ID is already on file or you are exempt from the requirement. You do not need to provide another copy of photo ID unless instructed by your clerk.
- If you have questions about the photo ID requirement, please contact your municipal clerk.

If you have any questions, please contact your municipal clerk for assistance.

### Municipal Clerk Contact Information

\_\_\_\_\_  
(Name of Municipal Clerk)

\_\_\_\_\_  
(Name of Municipality)

**Phone:**

**Email:**

**Fax:**

### State Election Official Contact Information

Wisconsin Elections Commission

**Help Desk:** (608) 261-2028

**Email:** [elections@wi.gov](mailto:elections@wi.gov)

**For voter information, check out [MyVote.wi.gov](http://MyVote.wi.gov)**



# Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: September 29, 2023

TO: Wisconsin Municipal Clerks  
Wisconsin County Clerks  
City of Milwaukee Election Commission  
Milwaukee County Elections Commission

FROM: Wisconsin Elections Commission (WEC or Commission)

SUBJECT: Absentee Envelope Designs Approved by the Commission

- Summary.** On August 4, 2023, the Wisconsin Elections Commission approved the designs of the Absentee Mailer Envelope (EL-120) and the Absentee Certificate Envelope (EL-122) in their various iterations and languages. **EL-120 and EL-122 are state templates, prescribed by unanimous vote of the Commission in accordance with state statute, for mandatory use in Wisconsin absentee voting processes.** The Commission authorizes no changes to the forms, other than those associated with the varied postage practices of local election officials.
- Background.** WEC staff were recently informed by a concerned municipal clerk that a commonly-used print vendor had made unilateral changes to the witness certificate portion of the EL-122 templates. The approved witness certificates within EL-122, EL-122SVD, and EL-122M should look as follows:

Witness Address (Number, Street Name, City)

Deputy #1 Address (Number, Street Name, City)      Deputy #2 Address (Number, Street Name, City)

Witness Address (Number, Street Name, City)

Printed EL-122 forms received by clerks from Bear Graphics include certificates with the following fields: “Number, Street Name, City, *State, Zip.*” (*emphasis added*) The addition of “State, Zip” was not approved by the Commission. An example of a printed EL-122, with the erroneous fields, was provided by a concerned clerk:

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Joseph J. Czarnetzki | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator  
Meagan Wolfe

## DO NOT USE

### Witness Address (Number, Street Name, City, State, Zip)

The Commission specifically and carefully considered these address components in light of its previous guidance on what constitutes a sufficient witness address, statutory requirements, and recent court activity. The Commission-approved templates did not include “State and Zip” by conscious choice.

The vendor was immediately notified of these issues and the WEC’s related concerns. At a September 29, 2023, special meeting of the WEC, the Commissioners voted 6-0 to affirm mandatory, unaltered use of the various EL-120 and EL-122 templates.

No changes may be made to EL-120 and EL-122 templates, unless the changes relate to pre-payment or non-pre-payment of postage. Some clerks, for example, prefer removal of the “First Class Postage Required” field, so there is blank space to meter and pre-pay the return postage. Some clerks also use labels printed from WisVote for the voter information section of the certificate. Use of the official label for this purpose is also allowed and contemplated as part of the Commission’s approval and prescription of the EL-120 and EL-122.

Any clerk or print vendor with EL-120 and EL-122 template concerns are highly encouraged to immediately submit those items to the WEC in writing for consideration.

3. **How to Respond.** Bear Graphics clients should immediately begin working with that vendor to discuss an appropriate fix for this issue. **The Commission unanimously determined that striking "State, Zip" by covering, striking, or redacting the words in any way does not make the envelope compliant.** Not only has the Commission officially prescribed the various EL-120 and EL-122 templates for use in Wisconsin only in their approved forms, clerks must also consider that any altered versions of EL-120 and EL-122 may be subject to potential voter challenges, administrative complaints, or other legal action. Even utilizing existing stock already received from a vendor presents a risk to the voter, vendor, and local officials if changes are present on the forms.

The WEC recommends that clients of other print vendors should immediately contact their suppliers as well. This will ensure no further alteration issues arise and mitigate the risk of challenge to all parties involved.

Additionally, this situation serves as a great reminder to work with local or county counsel to ensure you have an up-to-date and comprehensive contract in place with all print vendors. Such an agreement may include provisions requiring adherence to state templates, necessitating client approval of changes/proofs, ensuring delivery deadlines are met, providing an ability to enforce service levels, and otherwise protecting all parties.

4. **Questions.** Call the WEC Help Desk at 608-261-2028 or e-mail [elections@wi.gov](mailto:elections@wi.gov).



**ANDRÉ JACQUE**

STATE SENATOR • 1<sup>ST</sup> SENATE DISTRICT

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*Testimony before the Assembly Committee on Campaigns and Elections*

Senator André Jacque

*November 2, 2023*

Thank you Chairman Krug and Members for holding this hearing and the opportunity to testify before you in support of Assembly Bill 570 and as the Senate lead and author of the forthcoming companion proposal.

The purpose of this legislation is to safeguard and protect the right to vote of every Wisconsin citizen, regardless of where they live, or the circumstances under which they vote, and to make sure our elections are free from the influence out of-state interests.

I am proud to help bring this legislation forward after the events of the past few years. Free, fair, and honest elections are the bedrock of representative government. Voters who participate in our elections have a right to expect their vote to count and not be diluted due to inconsistent administration of government functions, paid for by shadowy out-of-state entities.

Questions about the integrity of our elections have resulted from inconsistent application and interpretation of state election law, and out-of-state corporations throwing dark money around to get out the vote in urban areas, at the expense of rural voters, for their own partisan interests.

It is the responsibility of the Legislature to establish clear, uniform election procedures to ensure equity in our election process so that the vote of one citizen in Wisconsin is as powerful as any other, regardless of where they live in the state. This bill is an attempt to codify election administration recommendations arising from review of voting procedures conducted by the nonpartisan Legislative Audit Bureau.

An item of particular concern is ensuring that contracts that infringe on election administration or transfer duties or power to outside interests are banned. Under AB 570, only trained and sworn election officials will be allowed to assist in counting votes or other election administration responsibilities.

This provision directly responds to the City of Green Bay allowing an outside group and individual with heavily partisan background to dictate the City's election procedures.

Green Bay was one of the five municipalities across the state that received a large amount of grant money through the Center for Tech and Civic Life (CTCL), a nonprofit partially funded by Facebook founder Mark Zuckerberg for the 2020 election. The beneficiaries of these grants happened to be municipalities in mostly urban Democratic voting parts of the state.

Wisconsin elections should reflect the will of Wisconsin voters throughout the state, not out-of-state interests which favor large municipalities for their own schemes. Assembly Bill 570 will help restore faith in our elections by preventing government operations themselves from being dominated by outside money, removing doubts about the integrity of the results.

Thank you for your consideration of Assembly 570. I'd be happy to answer any questions.

**ROCK COUNTY, WISCONSIN**

Office of the Rock County Clerk  
51 South Main Street  
Janesville, WI 53545



Office (608) 757-5660  
Fax (608) 757-5662  
[www.co.rock.wi.us](http://www.co.rock.wi.us)  
[Lisa.Tollefson@co.rock.wi.us](mailto:Lisa.Tollefson@co.rock.wi.us)

Lisa Tollefson, Rock County Clerk

November 2, 2023

Assembly Committee on Campaigns and Elections:

Testimony for Public Hearing

Chair Krug and Committee Members:

Thank you for allowing testimony today.

**Assembly Bill 570 – relating to: certain kinds of election fraud, defects on absentee ballot certificates, returning absentee ballots to the office of the municipal clerk, appointment of election officials, allowing an employee of a residential care facility or qualified retirement home to serve as a personal care voting assistant during a public health emergency or an incident of infectious disease, and providing a penalty.**

**INFORMATIONAL**

- This bill adds clarity as to how to handle public health emergencies or incidents of infectious diseases.
- Training an individual in the care facilities to help if needed is a plus. What if no one in the care facility will take on the duty?
- The municipality may pay the personal care voting assistant. This could be interesting as to how each municipality would handle this.
- Having the dates shifted earlier for the care facilities visits makes sense. If last visit to the care facility is the Monday before the election and an elector misses both visits, there is not time to mail the ballot since election day is the next day.
- Need clarification in Section 23 - creates 12.13 (3) (zp) only a person who is a resident of this state can assist in counting or tabulating votes. I have/had clerks and deputy clerks in my county who live in Illinois. This is part of their duties.
- Under Section 3 -creates 6.87 (6d)(a) to (I) - Many municipalities use a stamp with the municipality's address on it to mark the address of the witness on their absentee envelopes during in-person absent voting. Other bills are trying to protect election officials. A modification may be needed to allow during absentee in-person voting and care facility visits to use municipal address.

Thank you for your consideration,

Lisa Tollefson



Chair Krug and members of the Committee on Campaigns and Elections,

Assembly Bill 570 creates 'Personal care voting assistants' when residential care facilities are unable to be served by Special Voting Deputies (SVDs) due to public health emergencies or incidents of infectious disease restricting access to said facilities. I oppose AB570 and the creation of 'Personal care voting assistants' as I am greatly uncomfortable with tasking and trusting a random member of a care facility to carry out election laws with minimal training and experience. It is difficult enough to coordinate visits for SVDs with staff members of these facilities and this would put even more on these individuals during times of distress within the facility. Myself and my staff have experienced frequent turnover in working with individuals that hold such positions with care facilities. This has already posed challenges as we need to re-inform the facility staff of the components and requirements of voting or registering to vote and I believe the frequent turnover may remain a challenge for care facilities going forward.

It would be unsettling for me to drop off ballots at a facility where I do not know the individuals working there, where I do not know where ballots will be stored, who will have access to the ballots, and in a situation where there may be only one designated individual to facilitate voting – especially when the facility is closed to the public. I think this bill is well-intentioned, but it creates more realms of uncertainty and opportunities for inconsistencies than it does to provide a dependable solution.

I would offer instead a suggested proposal that allows municipal clerks be able to mail absentee ballots to voters residing in residential care facilities when there is a public health emergency or incidents of infectious disease restricting access the facility. This allows voters to be able to vote on their own terms, receive assistance (if needed) by a designated individual they trust, and have the ballots be safely delivered to the residents via mail and safely returned through mail.

Thank you for your consideration of this testimony regarding Assembly Bill 570.

Respectfully,

**Kami Lynch, WCMC**  
City Clerk

City of Appleton  
100 N Appleton Street  
Appleton, WI 54911



[www.appleton.org](http://www.appleton.org)

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